

This Page Is Inserted by IFW Operations  
and is not a part of the Official Record

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning documents *will not* correct images,  
please do not report the images to the  
Image Problem Mailbox.**



IFW DAC  
\$

MS PETITION  
PATENT  
2428-0120P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Marc DE BLOCK Conf.: 3779  
Appl. No.: 09/461,416 Group: 1661  
Filed: December 16, 1999 Examiner: WENDY HAAS  
For: GENETIC TRANSFORMATION USING A PARP  
INHIBITOR

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)

**MS PETITION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

June 10, 2004

Sir:

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

Note: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

06/15/2004 CNGUYEN 00000037 09461416

01 FC:1453

1330.00 DP

1. Petition fee

- ☐ Small entity - fee \$665.00 (37 C.F.R. § 1.17(m)).  
Applicant claims small entity status. See 37 C.F.R.  
§ 1.27.
- ☒ Other than small entity - fee \$1,330.00 (37 C.F.R.  
§ 1.17(m))

2. Reply and/or fee

- A. The letter dated May 21, 2004 for filing the  
continuation Application No.: 10/849,939 establishing  
Applicant's intent of maintaining pendency of the  
present Application No.: 09/461,416:
- ☒ has been filed previously on May 21, 2004 (copy  
attached).
- ☐ is enclosed herewith.
- B. The Extension fee of \$950.00
- ☐ has been paid previously on .
- ☒ is enclosed with the attached (Extension of Time  
Letter and Fee).

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or  
after June 8, 1995, no terminal disclaimer is  
required.
- ☐ A terminal disclaimer (and disclaimer fee (37 C.F.R.  
§ 1.20(d)) of \$55.00 for a small entity or \$110.00 for  
other than a small entity) disclaiming the required  
period of time is enclosed herewith.

4. Statement: The entire delay in filing the required reply  
from the due date for the required reply until the filing

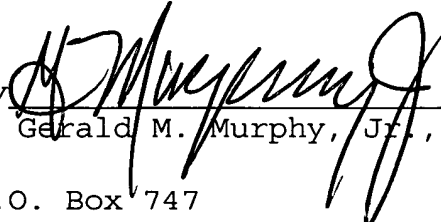
of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

- ☐ No fee is required.
- ☒ A Check in the amount of \$2,280.00 which includes the petition fee and the extension fee is enclosed.
- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. This form is submitted in triplicate.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Gerald M. Murphy, Jr., #28,977

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

GMM/MAA:trb  
2428-0120P

- Attachments:
- ☒ Fee - Check for \$2,280.00
  - ☐ Terminal Disclaimer Form
  - ☒ Statement Establishing Unintentional Delay
  - ☒ Other: Continuation Postcard Copy and Transmittal Copy (5/21)
  - ☒ Extension Fee Letter



PATENT  
2428-0120P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Marc DE BLOCK Conf.: 3779  
Appl. No.: 09/461,416 Group: 1661  
Filed: December 16, 1999 Examiner: Wendy HAAS  
For: GENETIC TRANSFORMATION USING A PARP  
INHIBITOR

L E T T E R

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

June 10, 2004

Sir:

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), applicant(s) hereby retroactively petition(s) for an extension of time for five (5) month(s) for filing an Appeal Brief in connection with the above-identified application, thereby maintaining the pendency of this application through May 21, 2004.

☐ Applicant claims small entity status under 37 C.F.R. § 1.27

The fee has been calculated as shown below:

☒ NO extensions of time have been previously obtained for filing the response. Thus a fee of \$950.00 for an extension of five (5) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a) is required.

☐ An extension of ( ) month(s) for filing a reply was previously petitioned and paid for on . Thus a fee of


\$0.00 is required for obtaining an additional ( )  
month(s) for filing a reply.

- ☒ A check in the amount of \$950.00 is attached.
- ☐ Please charge Deposit Account No. 02-2448 in the amount of  
\$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this,  
concurrent, and future replies, to charge payment or credit any  
overpayment to Deposit Account No. 02-2448 for any additional fees  
required under 37 C.F.R. §§1.16 or 1.17; particularly, extension  
of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Gerald M. Murphy, Jr., #28,977

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

GMM/MAA:trb  
2428-0120P

Attachment(s)

(Rev. 02/13/2004)



PATENT  
2428-0120P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Marc DE BLOCK Conf.: 3779  
Appl. No.: 09/461,416 Group: 1661  
Filed: December 16, 1999 Examiner: Wendy HAAS  
For: GENETIC TRANSFORMATION USING A PARP INHIBITOR

STATEMENT ESTABLISHING UNINTENTIONAL DELAY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

June 10, 2004

Sir:


The extension fee was not previously paid by May 21, 2004. The omission of the proper payment of the extension fee was a clerical oversight. The entire delay in filing the request for an extension of time was unintentional.

Revival of this application to establish co-pendency through May 21, 2004 with the Continuation application 10/849,939 (copy of Transmittal and Postcard attached) filed on May 21, 2004 is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Gerald M. Murphy, Jr., #28,977

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

GMM/MAA:trb  
2428-0120P

**BIRCH, STEWART, KOLASCH & BIRCH, LLP**

**INTELLECTUAL PROPERTY LAW**

**8110 GATEHOUSE ROAD**

**SUITE 100 EAST**

**FALLS CHURCH, VA 22042-1248**

**USA**

**(703) 205-8000**

**FAX: (703) 205-8050**

**(703) 698-8590 (G IV)**

**e-mail: mailroom@bskb.com**

**web: http://www.bskb.com**

**OTHER OFFICES:**

**CARLSBAD, CALIFORNIA**

**COSTA MESA, CALIFORNIA**

**LOS ANGELES, CALIFORNIA**



- COPY -

Date: May 21, 2004

Docket No.: 2428-0120PUS2

**MS PATENT APPLICATION**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This is a Request for filing a ☒ continuation ☐ divisional ☐ continuation-in-part application under 37 C.F.R. § 1.53(b) of pending prior Application No. 09/461,416 filed on December 16, 1999, which is a divisional of Serial No. 08/817,188 filed May 15, 1997, the entire contents of which are hereby incorporated by reference,  
by

Marc DE BLOCK

for

GENETIC TRANSFORMATION USING A PARP INHIBITOR

1. ☒ Enclosed is an application consisting of specification, claims, declaration and drawings/photographs (if applicable).

- COPY -



2. ☒ The filing fee has been calculated as follows:

		LARGE ENTITY	SMALL ENTITY
BASIC FEE		\$770.00	\$385.00
	NUMBER FILED	RATE FEE	RATE FEE
TOTAL CLAIMS	14-20 = 0	x 18 = \$0.00	x 9 = \$0.00
INDEPENDENT CLAIMS	1-3 = 0	x 86 = \$0.00	x 43 = \$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED		+ \$290.00	+ \$145.00
TOTAL		\$770.00	\$0.00

3. ☒ A check in the amount of \$770.00 to cover the filing fee and recording fee (if applicable) is enclosed.
4. ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
5. ☐ Enclosed is/are \_\_\_\_\_ (\_\_\_\_) sheet(s) of formal drawings and/or photographs.
- 6a. ☐ A statement claiming small entity status was filed in prior Application No. 09/461,416 on \_\_\_\_\_. See the attached copy of the statement claiming small entity status.
- 6b. ☐ The current application qualifies for small entity status.
7. ☒ The prior application is assigned to Bayer BioScience NV.
8. ☒ A Preliminary Amendment is enclosed.
- 9a. ☐ Priority of Application No(s). \_\_\_\_\_ filed in \_\_\_\_\_ on \_\_\_\_\_ is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on \_\_\_\_\_.
- 9b. ☒ Priority of International Appln. PCT/EP96/03366 filed on July 31, 1996 under the Patent Cooperation Treaty and British Application No. 95401844.6 filed on August 4, 1995 in Great Britain under 35 U.S.C. § 120 and/or § 119 are hereby reclaimed.

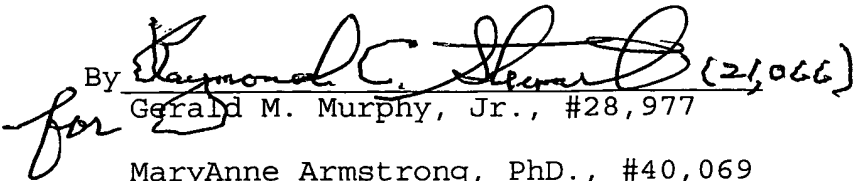
- COPY -  
2

10. ☒ An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.
11. ☒ Address all future communications to:  
  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000  
  
or  
Customer No. 02292
12. ☒ An extension of time for five (5) month(s) until May 21, 2004 has been submitted in parent Application No. 09/461,416 in order to establish co-pendency with the present application.
13. ☐ Also enclosed herewith is the following:  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  (21,066)  
for Gerald M. Murphy, Jr., #28,977

MaryAnne Armstrong, PhD., #40,069

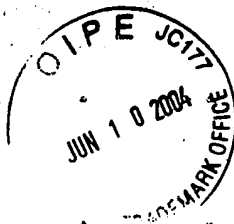
GMM/MAA:csm:trb  
2428-0120PUS2

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachment(s)

(Rev. 02/13/2004)

- COPY -



Papers Filed herewith on: 5/31/04  
DOCKET NO.: 3428-0120 PUS ATTY.: GMM/MAN  
APPLICANT(S): Marc De BLOCK  
APPLN. NO: NEW FILED: 5/31/04  
PAT NG: \_\_\_\_\_

- ☒ New Application with Transmittal Letter  
☐ Utility ☐ Design ☐ S/P ☐ PCT ☐ Provisional  
☒ Filing Under 37 CFR 1.53(b) ☒ CONT ☐ DIV 09/76, 416  
☐ Filing Under 37 CFR 1.114(RCE)  
☒ Specification Consisting of: 42 pages  
☐ Combined Declaration & Power of Attorney  
☐ Assignment / Cover Letter  
☐ Letter to Official Draftsman  
☐ Drawings \_\_\_\_\_ Sheets ☐ Formal ☐ Informal ☐ Red-Ink  
☐ Completion of Filing Requirements, PCT/DO/EO/905 or Formalities Letter and Executed Declaration  
☐ Priority Document(s) / Cover Letter, No. Doc. \_\_\_\_\_  
☒ Amendment: prelim.  
☐ Transmtl Ltr ☐ Large Entity ☐ Small Entity  
☐ Response \_\_\_\_\_  
☒ Information Disc Stmnt. PTO-1449(s) \_\_\_\_\_ doc(s)  
☐ PTO / ISA / 210  
☐ Notice of Appeal ☐ Appeal Brief  
☐ Issue Fee Transmittal ☐ Sequence Listing  
☒ FEES: \$770.00 (NA 9016921)  
☐ Letter: \_\_\_\_\_  
☒ Other: Sequence Listing

Receipt is hereby acknowledged of the papers filed as indicated in connection with the above identified case.  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Due Date: 5/31/04  
Handcarry: \_\_\_\_\_

DOCKET NO.

3428-0120 PUS

U.S. PTO  
17497  
10/849939



052104

- COPY -